

FILED

UNITED STATES COURT OF APPEALS

SEP 10 2009

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

KATHLEEN EDITH SOMMERS,  
Derivatively on Behalf of FLIR Systems,  
Inc.,

Plaintiff - Appellant,

v.

EARL R. LEWIS; et al.,

Defendants - Appellees.

No. 09-35244

D.C. No. 3:07-cv-01142-MO  
District of Oregon,  
Portland

ORDER

Pursuant to the stipulation of the parties, this appeal is voluntarily dismissed with prejudice. Fed. R. App. P. 42(b). Costs and fees shall be allocated pursuant to the parties' stipulation.

A copy of this order sent to the district court shall act as and for the mandate of this court.

For the Court:  
MOLLY C. DWYER  
Clerk of the Court

Teresa A. Haugen, Deputy Clerk  
9th Cir. R. 27-7/Advisory Note to R. 27  
and 9th Cir. R. 27-10